

**Introduced by Senator Yee**

February 24, 2012

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An act to add and repeal Chapter 12.5 (commencing with Section 4979.1) of Division 2 of the Business and Professions Code, relating to healing arts.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1488, as introduced, Yee. Healing arts: traditional Chinese Medicine traumatologist certification.

Existing law, the Acupuncture Licensure Act, establishes the Acupuncture Board and makes it responsible for enforcing and administering the act, including licensing persons who meet specified licensure requirements. Under the act, licensees are titled "acupuncturists," and are authorized to perform designated activities pursuant to their license. The unlawful practice of acupuncture and any other violation of the act is a crime.

This bill would establish the Traditional Chinese Medicine Traumatology Council as a nonprofit organization to provide for the certification and regulation of the practice of traditional Chinese Medicine traumatologists, as defined. The bill would require the council to issue a certificate to practice as a traditional Chinese Medicine traumatologist to an applicant who meets certain training and clinical experience requirements and pays a specified fee. This bill would make the meetings and deliberations of the council subject to the open meeting requirements that apply to state bodies.

This bill would limit the timeframe for new applications to the period from January 1, 2013, to December 15, 2013. Thereafter, the council may only issue renewals of current certificates.

This bill would set forth procedures for the renewal of a certificate to perform traditional Chinese Medicine traumatology and would establish specified fees in that regard.

This bill would also require specified treatment procedures to be performed under the supervision of an orthopedic surgeon and prohibit treatment that constitutes the practice of medicine or chiropractic procedures, as defined.

This bill would also make it an unfair business practice to use the title of “certified traditional Chinese Medicine traumatologist” without meeting these certification requirements.

This bill would repeal these provisions on January 1, 2017, unless legislation is enacted before that date to remove or extend that deadline.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Chapter 12.5 (commencing with Section 4979.1)  
2     is added to Division 2 of the Business and Professions Code, to  
3     read:

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5             CHAPTER 12.5. TRADITIONAL CHINESE MEDICINE  
6                             TRAUMATOLOGY

7  
8     4979.1. As used in this chapter:

9     (a) “Certified traditional Chinese Medicine traumatologist”  
10    means a person who has been certified by the Traditional Chinese  
11    Medicine Traumatology Council to perform traditional Chinese  
12    Medicine traumatology.

13    (b) “Traditional Chinese Medicine traumatology” includes a  
14    range of treatments to address both acute and chronic  
15    musculoskeletal conditions, as well as many nonmusculoskeletal  
16    conditions. Techniques include, but are not limited to, brushing,  
17    kneading, rolling, pressing, and rubbing the areas between each  
18    of the joints to open the body’s defensive chi and stimulate the  
19    energy movement in both meridians.

20    4979.2. The Traditional Chinese Medicine Traumatology  
21    Council shall be established as a nonprofit organization for the  
22    purpose of developing standards for, and certifying the practice  
23    of, traditional Chinese Medicine traumatology.

1 4979.3. (a) (1) The council shall consist of seven members,  
2 composed of three representatives from the clinical settings of  
3 traumatology, two representatives from the California Orthopaedic  
4 Association, and one representative each from the Medical Board  
5 of California and the California Medical Association.

6 (2) Representatives from the clinical settings of traumatology  
7 shall be selected by professional societies, associations, or other  
8 entities, whose memberships are comprised solely of practitioners  
9 of traditional Chinese Medicine traumatology.

10 (3) To qualify, a professional society, association, or entity shall  
11 have a dues-paying membership in California of at least 30  
12 individuals for the last three years and shall have bylaws that  
13 require its members to comply with a code of ethics.

14 (b) (1) Subject to subdivision (d), the council shall meet and  
15 confer to determine the certification standards, including the level  
16 of experience and training needed for an individual to qualify for  
17 traditional Chinese Medicine traumatology certification.

18 (2) The council shall develop the application form for  
19 certification.

20 (3) The meetings and deliberations of the council shall be subject  
21 to the provisions of the Bagley-Keene Open Meeting Act (Article  
22 9 (commencing with Section 11120) of Chapter 1 of Part 1 of  
23 Division 3 of Title 2 of the Government Code).

24 (c) The council shall issue a certificate for certified traditional  
25 Chinese Medicine traumatology to any person who makes an  
26 application and meets all of the following requirements, as  
27 determined by the council pursuant to subdivision (d):

28 (1) Is at least 18 years of age.

29 (2) Furnishes satisfactory evidence of training and clinical  
30 experience that meets the standards established by the council.

31 (3) Is not subject to denial pursuant to Division 1.5 (commencing  
32 with Section 475).

33 (d) The council shall evaluate whether an applicant meets the  
34 certification standards, including the level of experience and  
35 training to sufficiently qualify for the traumatology certification.

36 (e) An individual who is not qualified to receive a certificate  
37 under this section, or who fails to apply for certification under this  
38 section, shall not hold himself or herself out as a certified  
39 traditional Chinese Medicine traumatologist pursuant to this  
40 section.

1 4979.4. (a) A certified traditional Chinese Medicine  
2 traumatologist, when engaging in traditional Chinese Medicine  
3 traumatology manipulation techniques to realign the  
4 musculoskeletal and ligamentous relationships, shall be supervised  
5 by a physician and surgeon who has completed an orthopaedic  
6 residency program. The extent of the relationship between a  
7 traditional Chinese Medicine traumatologist and orthopedic surgeon  
8 regarding those manipulation techniques shall be determined by  
9 the council after the qualifications necessary for certification are  
10 defined and adopted by the council.

11 (b) A certified traditional Chinese Medicine traumatologist shall  
12 not practice medicine, as defined in Section 2052.

13 (c) A certified traditional Chinese Medicine traumatologist shall  
14 not practice within the scope of activities regulated by the State  
15 Board of Chiropractic Examiners.

16 4979.5. (a) An applicant for traditional Chinese Medicine  
17 traumatology certification shall, commencing January 1, 2013,  
18 until December 15, 2013, file an application for a certificate for  
19 traditional Chinese Medicine traumatology with the council.

20 (b) On and after December 16, 2013, the council shall not issue  
21 an initial certificate to any applicant.

22 (c) On and after December 16, 2013, the council may issue only  
23 a renewal of a certificate under this section.

24 (d) An individual who is not qualified to receive a certificate  
25 under this section, or who fails to apply for certification under this  
26 section by December 15, 2013, shall not hold himself or herself  
27 out as a certified traditional Chinese Medicine traumatologist.

28 4979.6. An applicant for certification as a traditional Chinese  
29 Medicine traumatologist shall pay an application fee in a reasonable  
30 amount, not to exceed two hundred dollars (\$200) for the regulatory  
31 cost to the council of processing the application, when submitting  
32 his or her application to the council.

33 4979.7. A certified traditional Chinese Medicine traumatologist  
34 shall renew his or her certificate every two years.

35 4979.8. An expired certificate may be renewed at any time  
36 within six months after its expiration. The holder of the certificate  
37 shall pay all accrued and unpaid renewal fees, plus a delinquency  
38 fee.

39 (a) The renewal fee shall be one hundred dollars (\$100).

40 (b) The delinquency fee shall be twenty-five dollars (\$25).

1 (c) The fee for a duplicate or replacement engraved wall  
2 certificate shall be fifteen dollars (\$15).

3 (d) The fee for a duplicate or replacement renewal receipt/pocket  
4 certificate shall be ten dollars (\$10).

5 4979.9. Moneys received under this section shall be utilized  
6 by the council to pay for the costs associated with administering  
7 this chapter.

8 4979.10. It is an unfair business practice for any person to hold  
9 himself or herself out as a certified traditional Chinese Medicine  
10 traumatologist or use the title of “certified traditional Chinese  
11 Medicine traumatologist” without meeting the requirements of  
12 this chapter.

13 4979.11. This chapter shall remain in effect only until January  
14 1, 2017, and as of that date is repealed, unless a later enacted  
15 statute, that is enacted before January 1, 2017, deletes or extends  
16 that date.